

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chairman Joe Balyeat, on February 19, 2009 at 9 A.M., in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chairman (R)
Sen. Verdell Jackson, Vice Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Roy Brown (R)
Sen. Jim Keane (D)
Sen. Carolyn Squires (D)
Sen. Donald J. Steinbeisser (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Jim Peterson (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 431, SB 444, 2/13/2009

Executive Action: SB 388, SB 416, SB 438, and
SB 444 (partial)

HEARING ON SB 444

Opening Statement by Sponsor:

00:00:51 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 444, Revise prudent management of funds law.

Proponents' Testimony:

00:01:44 Dan McLean, Attorney, Helena

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:05:11 Sen. Barkus
00:11:00 Dan McLean
00:12:03 Chairman Balyeat
00:14:06 Dan McLean
00:14:56 Chairman Balyeat
00:16:59 Sen. Laslovich

Closing by Sponsor:

00:17:21 Sen. Laslovich

HEARING ON SB 431

Opening Statement by Sponsor:

00:17:42 Sen. Roy Brown (R), SD 25, opened the hearing on SB 431, Revise laws on employer drug testing.

Proponents' Testimony:

00:20:14 Cori Cook, Vice President and General Counsel, Employee Benefit Management Services (EBMS)

[EXHIBIT \(bus39a01\)](#)

Opponents' Testimony:

00:26:15 J. C. Weingartner, MEA-MFT

Informational Testimony:

00:33:42 Mark Cadwallader, Staff Attorney, Department of Labor
and Industry (DOLI)

Questions from Committee Members and Responses:

00:34:35 Sen. Jackson
00:36:42 Sen. Brown
00:36:09 Sen. Squires
00:36:54 Sen. Brown
00:38:00 Sen. Squires
00:43:57 Mark Cadwallader
00:44:56 Sen. Squires
00:45:24 Cori Cook
00:46:04 Sen. Barkus
00:46:07 Chairman Balyeat
00:46:21 Sen. Squires
00:46:27 Sen. Keane
00:47:34 Cori Cook
00:48:04 Sen. Barkus
00:50:16 Cori Cook
00:50:58 Chairman Balyeat
00:56:48 Mark Cadwallader
00:57:19 Chairman Balyeat
01:00:17 Cori Cook
01:00:22 Sen. Keane
01:00:26 Cori Cook

Closing by Sponsor:

01:00:45 Sen. Brown

01:01:59 Chairman Balyeat

01:02:09 Recess
01:19:04 Resume

EXECUTIVE ACTION ON SB 388

01:19:38 **Motion:** Sen. Barkus moved **SB 388 DO PASS.**

Discussion:

01:20:28 Pat Murdo
[EXHIBIT \(bus39a02\)](#)
[EXHIBIT \(bus39a03\)](#)

01:23:41 Sen. Squires
01:24:05 Chairman Balyeat
01:24:09 Pat Murdo

01:24:30 **Motion:** Sen. Keane moved **TO AMEND SB 388.**
EXHIBIT(bus39a04)

Discussion:

01:24:45 Sen. Keane
01:25:15 Chairman Balyeat
01:25:21 Sen. Keane
01:25:26 Sen. Squires
01:26:23 Sen. Keane

01:27:11 **Vote:** Motion carried unanimously 11-0 by voice vote.
Sen. Windy Boy, Sen. Stewart-Peregoy, and Sen. Peterson
voted by proxy.

01:27:36 **Motion:** Sen. Keane moved **TO FURTHER AMEND SB 388.**
EXHIBIT(bus39a05)

Discussion:

01:27:53 Pat Murdo
01:29:34 Chairman Balyeat
01:29:39 Pat Murdo
01:30:31 Sen. Barkus
01:30:50 Pat Murdo
01:32:37 Sen. Barkus

01:32:48 **Vote:** Motion carried unanimously 11-0 by voice vote.
Sen. Windy Boy, Sen. Stewart-Peregoy, and Sen. Peterson
voted by proxy.

01:33:12 **Motion:** Sen. Keane moved **SB 388 AS AMENDED.**

01:33:20 **Substitute Motion:** Sen. Barkus made a substitute
motion that **SB 388 AS AMENDED BE CONCEPTUALLY AMENDED**
to include contingent voidness.

Discussion:

01:33:32 Sen. Keane
01:33:35 Chairman Balyeat
01:33:45 Pat Murdo
01:34:20 Sen. Barkus

01:34:30 **Vote:** Motion carried unanimously 11-0 by voice vote.
Sen. Windy Boy, Sen. Peterson, and Sen. Stewart-Peregoy
voted by proxy.

Discussion:

01:35:04 Sen. Squires
01:43:15 Matt Stayner, Fiscal Analyst, LFD
01:44:12 Chairman Balyeat
01:45:47 Matt Stayner
01:46:06 Sen. Squires
01:46:43 Chairman Balyeat

01:48:07 **Vote:** Motion carried 9-2 by roll call vote. Sen.
Barkus and Sen. Balyeat voted no. Sen. Peterson, Sen.
Windy Boy, and Sen. Stewart-Peregoy voted by proxy.

EXECUTIVE ACTION ON SB 416

01:50:28 **Motion:** Sen. Brown moved **TO TABLE SB 416.**

01:51:02 Sen. Brown withdrew his motion without objection.

01:51:11 **Motion:** Chairman Balyeat moved **SB 416 DO PASS.**
EXHIBIT (bus39a06)

Discussion:

01:51:26 Chairman Balyeat
01:52:49 Sen. Barkus
01:52:53 Sen. Brown

01:53:28 **Motion/Vote:** Sen. Tropila moved **TO AMEND SB 416.**
Motion carried 9-2 by voice vote. Sen. Barkus and Sen.
Squires voted no. Sen. Windy Boy, Sen. Stewart-
Peregoy, and Sen. Peterson voted by proxy.

EXHIBIT (bus39a07)

01:54:36 **Motion:** Chairman Balyeat moved **SB 416 DO PASS AS**
AMENDED.

Discussion:

01:55:25 Chairman Balyeat
01:55:44 Sen. Barkus
01:56:56 Sen. Keane
01:57:10 Sen. Brown
01:58:03 Sen. Squires

01:58:10 **Vote:** Motion failed 3-8 by roll call vote. Sen. Peterson, Sen. Jackson, and Chairman Balyeat voted aye. Sen. Windy Boy, Sen. Peterson, and Sen. Stewart-Peregoy voted by proxy.

01:59:00 **Motion/Vote:** Chairman Balyeat moved that **SB 416 BE TABLED AND THE VOTE REVERSED**. Without objection, the vote was reversed and the bill was tabled by unanimous agreement of those present.

EXECUTIVE ACTION ON SB 438

02:00:19 **Motion:** Sen. Squires moved **SB 438 DO PASS**.

Discussion:

02:00:40 Sen. Squires
02:01:04 Sen. Brown
02:01:49 Sen. Barkus
02:02:34 Sen. Squires
02:02:58 Chairman Balyeat
02:04:00 Sen. Barkus
02:04:47 Sen. Tropila
02:04:52 Sen. Barkus
02:04:58 Sen. Brown
02:05:34 Chairman Balyeat

02:07:32 **Vote:** Motion carried 9-2 by roll call vote. Sen. Barkus and Sen. Steinbeisser voted no. Sen. Windy Boy, Sen. Stewart-Peregoy and Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SB 444

02:09:12 **Motion:** Sen. Keane moved **SB 444 DO PASS**.

Discussion:

02:09:29 Sen. Brown
02:09:49 Sen. Barkus
02:10:12 Sen. Keane
02:10:37 Chairman Balyeat
02:12:12 Pat Murdo
02:12:33 Sen. Keane
02:12:46 Sen. Steinbeisser

02:13:06 Sen. Keane withdrew his motion.

Note: Executive Action will continue tomorrow at 8AM.

ADJOURNMENT

Adjournment: 11:18 A.M.

Linda Keim, Secretary

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Additional Documents:

EXHIBIT ([bus39aad.pdf](#))